



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,597	09/29/2000	Eric James	99EC036/77527	9867
24628 7590 03/17/2009 Husch Blackwell Sanders, LLP Husch Blackwell Sanders LLP Welsh & Katz 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606				
EXAMINER				
PHAN, JOSEPH T				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
03/17/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/675,597

Applicant(s)

JAMES ET AL.

Examiner

JOSEPH T. PHAN

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 12, and 16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 lines 4-6 recites the phrase “...*for management of the call center, including configuration and monitoring call center entities to a voice response server*” which is unclear and confusing due to grammatical errors, specifically the added comma makes the ‘including’ and ‘to a voice response server’ both appear to refer to the preceding ‘management of the call center’ and therefore makes the claim confusing.

Claims 1 lines 7-8 recites “server processing voice telephone requests from the administrator for operational information about management of the call center” which is unclear and confusing due to grammatical errors. It is not known if ‘the server processes requests from the administrator for operational information’ or if the ‘administrator requests operational information from the server’. This confusion is also in claim 12 lines 6-8 and makes both claims 1 and 12 indefinite. Appropriate clarification and/or correction is required.

Claim 16 lines 4-7 is unclear and confusing due to several grammatical errors. It is not

known whether both of the 'including management of the plurality agents' referenced in "*a call manager which accepts information by voice from an administrator responsible for management of the call center including management of the plurality of agents, and which provides operational information by voice to the administrator about management of the call center including management of the plurality of agents...*" refers to the 'call manager' or the 'administrator' due to grammatical run-on errors and improper use of commas. This confusion makes the claim indefinite.

Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Partovi et al., Patent #6,970,915 in view of Judkins et al., Patent #6,587,556.

Regarding claim 1, Partovi teaches a method of using voice to provide administrative access to a call center having at least one administrator comprising the steps of: connecting an administrator responsible for management of the call center to a voice response server(*col.4 lines 26-40 and col.15 lines 6-17; caller of voice portal is an administrator of his call center system*); the voice response server processing voice telephone requests from the administrator for operational information about the call center(*500 Fig.5 and col.7 lines 5-30*), and the voice response server responding to the telephone requests by providing the operational information about the call center to the administrator(*512 of Fig.5, col.5 lines 15-30, and col.15 lines 30-45*)

Partovi does not expressly disclose that his administrator configures and monitors call center entities.

Judkins teaches administrators configuring and monitoring call center entities and providing operational information about management of a call center(*col.7 lines 57-64*).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Partovi's system as an administrator for managing a call center as taught by Judkins and further to include the responsibility of the administrator to configure and monitor call center entities(*Judkins col.7 lines 57-64*).

One of ordinary skill in the art would have been motivated to do this as both Partovi and Judkins are in the same field of endeavor and allowing Judkins's administrators to configure and monitor call center entities would enable more flexibility and make administrators more effective and efficient.

Regarding claim 2, Partovi in view of Judkins teaches the method of claim 1 wherein the step of connecting further comprises the step of interfacing with a telephony server to receive telephony input from a remote administrator(col.13 lines 22-28 and col.13 line 63-col.14 line 10, and Judkins col.7 line 35-col.8 line 11).

Regarding claim 3, Partovi in view of Judkins teaches the method of claim 1 wherein the step of connecting to a voice response server further comprises the step of authenticating the administrator in the voice response server(col.5 lines 25-39).

Regarding claim 4, Partovi in view of Judkins teaches the method of claim 3 wherein the step of authenticating is performed by matching login names with passwords(col.13 line 63-col.14 line 10).

Regarding claim 5, Partovi in view of Judkins teaches the method of claim 1 wherein the step of processing further comprises translating an administrator's input into a command recognized by a computer in the call center(col.5 lines 15-50)

Regarding claim 6, Partovi in view of Judkins teaches the method of claim 5 wherein the computer includes an automatic call distributor(200 Fig.2) and call center command server(110 or 160 Fig.2) and Judkins col.7 line 35-col.8 line 11).

Regarding claim 7, Partovi in view of Judkins teaches the method of claim 1 wherein the step of processing adheres to the VoicexML standard processing further comprises the step of

using speech recognition to translate an administrator's input into a command recognized by a computer in the call center(col.11 lines 6-16 and lines 53-60).

Regarding claim 8, Partovi in view of Judkins teaches the method of claim 1 wherein the step of responding further comprises the step of performing text to speech translation to aurally present information to administrators(col.11 lines 17-27).

Regarding claim 9, Partovi in view of Judkins teaches the method of claim 1 wherein the operational information includes at least one of call center applications(col.11 lines 53-60).

Regarding claim 10, Partovi in view of Judkins teaches the method of claim 1 wherein the step of processing employs learning a pattern of regularly used accessed commands of a respective administrator to automatically provide operational information about the call center to the administrator based upon the pattern(col.5 lines 15-25 and Judkins col.7 line 35-col.8 line 11).

Regarding claim 11, Partovi in view of Judkins teaches the method of claim 1 wherein the step of processing is interrupted by a barge in request to interrupt information presentations to permit quick retrieval of desired information(col.7 lines 25-30).

Regarding claim 12, Partovi teaches a system for administrative voice to access call center operational information in a call center comprising:

means for connecting an administrator of the call center to a voice response server(Fig.2, *col.4 lines 12-40 and col.15 lines 6-17*);

means for processing telephone requests from the administrator for operational information about management of the call center(Fig.2, 500 Fig.5 and col.7 lines 5-30), and means for responding to the voice telephone requests by providing information about the call center to the

administrator including recognizing and learning over time a pattern of regularly used commands of a respective administrator to automatically provide regularly requested information based upon the pattern (Fig. 5, col. 5 lines 30-51, and col. 15 lines 30-50).

Partovi does not expressly disclose that his users are administrators responsible for management of a plurality of agents.

Judkins teaches administrators responsible for management of a call center and a plurality of agents (Fig. 1, col. 7 line 57-col. 8 line 11).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Partovi's system as an administrator for managing a call center as taught by Judkins and further to include the responsibility of the administrator to manage a plurality of agents (col. 7 line 57-col. 8 line 11).

One of ordinary skill in the art would have been motivated to do this as both Partovi and Judkins are in the same field of endeavor and allowing Judkins's administrators to manage a plurality of agents would enable more flexibility and make administrators more effective and efficient.

Regarding claim 13, Partovi in view of Judkins teaches the system of claim 12 wherein the means for connecting includes a programmable computer configured to accept telephony requests (fig. 2).

Regarding claim 14, Partovi in view of Judkins teaches the system of claim 12 wherein the means for processing includes a voice response server comprising a programmable computer (Fig. 2 and Judkins col. 7 line 35-col. 8 line 11).

Regarding claim 15, Partovi in view of Judkins teaches the system of claim 12 wherein the means for responding includes a programmable computer(Fig.2)

Regarding claim 16, Partovi teaches a system for using voice to provide administrative access to operational call center information in a call center comprising;
a call manager which accepts information requests by voice from an administrator of the call center (200 Fig.2, col.4 lines 12-40 and col.15 lines 6-17);
a VXML interpreter that translates the operational information and the requests between the administrator and call center, and a network interface that manages transmission and receipt of data between the VXML interpreter and call center(col.11 lines 53-60, 512 of Fig.5, and col.5 lines 25-51).

Partovi does not expressly disclose that his users are administrators responsible for management of a plurality of agents.

Judkins teaches administrators responsible for management of a call center and provides operational information about management of the call center(Fig.1 and col.7 line 57-col.8 line 11).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Partovi's system as an administrator for managing a call center as taught by Judkins and further to include the responsibility of the administrator to manage a plurality of agents and provide operational information(col.7 line 57-col.8 line 11).

One of ordinary skill in the art would have been motivated to do this as both Partovi and Judkins are in the same field of endeavor and allowing Judkins's administrators to manage a

plurality of agents would enable more flexibility and make administrators more effective and efficient.

Regarding claim 17, Partovi in view of Judkins teaches the system of claim 16 wherein the call manager is a programmable computer which interfaces to a telephony server to receive telephone input from a remote administrator(col.13 lines 22-28 and col.13 line 63-col.14 line 10).

Regarding claim 18, Partovi in view of Judkins teaches the system of claim 17 wherein the call manager further comprises a telephony interface for receiving telephony input from a remote administrator(col.5 lines 25-39).

Regarding claim 19, Partovi in view of Judkins teaches the system of claim 17 wherein the call manager includes a database for authenticating users of the system(col.13 line 63-col.14 line 10).

Regarding claim 20, Partovi in view of Judkins teaches the system of claim 17 wherein the call manager recognizes and learns a pattern of regularly used commands of a respective administrator to automatically provide regularly requested operational information(*col.5 lines 25-51*, col.7 lines 5-12, col.11 lines 6-26 and Judkins col.7 line 57-col.8 line 11).

Regarding claim 21, Partovi in view of Judkins teaches the system of claim 17 wherein the VoicexML interpreter includes a programmable computer for translating telephony requests to VoicexML commands(col.11 lines 53-60).

Regarding claim 22, Partovi in view of Judkins teaches the system of claim 17 wherein the VoicexML interpreter includes a translator for rendering VoicexML commands into automatic call distributor commands(col.11 lines 53-60).

Regarding claim 23, Partovi in view of Judkins teaches the system of claim 17 wherein the call manager interrupts information requesting presentations in response to a barge in request from the administrator(col.11 lines 53-60).

Regarding claim 24, Partovi in view of Judkins teaches the system of claim 17 wherein the network interface includes local area network, Internet, extranet, and wireless network software(fig.1).

Regarding claim 25, Partovi in view of Judkins teaches the system of claim 17 wherein the network interface includes a programmable computer for translating VoicexML commands into data packets for a local area network(fig.1 and col.11 lines 53-60).

Regarding claim 26, Partovi in view of Judkins teaches the system of claim 17 wherein the network interface includes computer hardware which retrieves data from a local area network and translates the data into VoicexML commands(fig.1 and col.11 lines 53-60).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH T. PHAN whose telephone number is (571)272-7544. The examiner can normally be reached on Mon-Fri 9am-6:30pm EST, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. T. P./
Examiner, Art Unit 2614
/CURTIS KUNTZ/
Supervisory Patent Examiner, Art Unit 2614